

FILED
WILLIAMSPORT
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PER 
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UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

4 : CIVIL CASE CV 17-505

UNITED STATES	:	CASE NO. CP-0000-217-1994
Vs	:	PETITION FOR WRIT OF EROR
LESLIE E THOMAS	:	CORAM NOBIS OR
	:	EXPUNGMENT
	:	28 U.S.C.1651 (a); 18 U.S.C.3231
		"Under the All Writ Act"

PETITION FOR A WRIT OF EROR CORAM NOBIS OR EXPUNGMENT
28 U.S.C.1651 (a); 18 U.S.C.3231.

I Leslie E Thomas am asking the Honorable Court to allow me to file a
Affidavit/Declaration in Support of Request to Proceed in Forma Pauperis.
In Court to Vacate Judgement of my Conviction. Or allow me to have my
case Expunged, of indecent assault, corruption of a minor
and endangering the welfare of children. I was not guilty of rape,

and endangering the welfare of children. I was not guilty of rape, involuntary deviate sexual intercourse, and statutory rape. No verdict on aggravated indecent assault and indecent exposure.

JURISDICTION

This Court has Subject Matter Jurisdiction over this proceeding under the All Writ Act, 28 U.S.C. 1651(a) and under 18 U.S.C. 3231.

DISPUTED FACTS

How can a Court have a trial with Secondhand Information, this makes it Fruit of the Poisonous Tree. Mark Shaffer from Child and Youth wrote a false report. This report triggered the investigation. This report went to the State Police District Attorney and the Court. They all worked from Fruit of the Poisonous Tree information. In a Criminal proceedings, the thing that forms the subject matter jurisdiction is the crime that is allegedly committed. The crime itself is the cause, the object, and the subject. The law creates courts and defines their powers consent cannot authorize a judge to do what the law has not given him the power to do. 18 Pa.C.S. § 4911.

Singleton v. Commonwealth. 208 S. W.2d 325, 327, 306 Ky. 454 (1948)

Ex parte Young [209 U.S. 123 (1908)] teaches that when a state officer acts under a state law in a

manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that

Constitution, and he is in that case stripped of his official or representative character and is subjected

in his person to the consequences of his individual conduct. The State has no power to impart to him

any immunity from responsibility to the supreme authority of the United States." *Id.*, at 159-160.

(Emphasis supplied.) *Scheuer v. Rhodes, et al*, No. 72-914, 416 U.S. 232; 94 S. Ct. 1683; 40 L. Ed.

2d 90; 1974 U.S. LEXIS 126.

(1) Background

On 08/23/1999 I filed my first Writ of Error Coram Nobis in the Court of Common Pleas Union County. I can no longer file in this Court. I have no place to file a Motion but in Federal Court. I pray the Honorable Court will allow me to file in this Court. A valid reason exists why I could not make an earlier challenge to the Constitutionality of my conviction. No attorney would take my case after the Court lost Jurisdiction. Now I have continuing consequences by having my case of Expungment denied two times. I must file pro se. The Writ states I was to file in the Court that tried me.

United States V. morgan 346 U.S. 502 (1954) he was deprived of Counsel in Violation of the Sixth Amendment. I was denied in the Court that tried me I can not go back to that Court. In 2009 the Supreme Court stated the Writ *Denedo V. United States* 556 U.S. 904 (2009) is broader than its

common law predecessor. "556 U.S. at 911. The Writ can be used to correct a legal factual error so long as that error is fundamental id. at 913. The court emphasized, however it must be an Extraordinary remedy and used to Achieve Justice. "id. 911. The writ is available to Federal Courts in the All Writ Act. 28 U.S.C. 1651 (a).

(2) ERRORS OF THE COURT

The Court went to trial with Secondhand information.

Look to transcript page 107 lines 9 to 11 the District Attorney states he has a problem hearing information from Mark Shaffer from Child and Youth that was from the mother not the child that made it secondhand, then it was Fruit of the Poisonous Tree. Mark Shaffer wrote a false report. This report is what triggered the investigation. The report went to the State Police, the District Attorney and the Court. Mark Shaffer committed perjury on the witness stand and was asked to leave. My attorney didn't know how he should do this.. Look to transcript page 107 line 22 to 23. My Attorney was to ask for a mistrial When the District Attorney Mr. Johnson would like to put the victim Rachel on the witness stand and ask the witness, Rachel, whether or not she ever spoke to Mark Shaffer and what she might have said. Look to transcript page 110 line 8 to 18. The Court : That is a so what ??? Does Mr. Johnson want Rachel to committ perjury??? The report from Mark Shaffer Gave the Court the

Jurisdiction of the subject matter, When he ask him to leave, The Court Lost Jurisdiction. Mark Shaffer committed perjury to the Court.

(3) The Doctor P.J. Bruno

Then he states I believe there is really no problem as to the first paragraph in the report as to statements by the minor victim to the doctor if he is asserting those as prior inconsistent statement, I am assuming but as to the finding, I would need the right to cross-examine the doctor as to their meaning. The hymen is a thin fleshy tissue that stretches across part of the opening of the vagina. the hymen can be stretched open the first time a girl has vaginal sex, which might cause some pain or bleeding Look to transcript page 60 to 63 .

(4) Rachel the victim

Look to the transcript page 50 to 59 (Q) Okay. Now when you talked to these people would they ask you question about things?

(A) YES

(Q) And would they make you remember things that happened?

(A) YES

(Q) So they helped you to remember what happened?

(A) YES

If Child and Youth and her mother helped her remember I think they did a bad job. Did she watch x rated movies alone Look to page 55 line 8 to 24

if she was watching x rated movies alone how did she get them from the ceiling tile. Mr. Johnson stated I had movies in the ceiling tile. Why would I buy x rated movies if it came in from the satellite dish free..Do you think just maybe she came to the house to watch movies after I went to bed she stayed up until three o'clock I am in bed at ten o'clock. Dish tv was free for years if you had the right satillite box. look to page 40 line 17 to 24 and page 54 line 13 to 24 and page 55 line 1 to 24.

(5) The Jury

The jury was out for two days, at the end of the first day the foreman states we can not come to an agreement on any of the charges. So the Court states look to page 189 line 11 to 13. The prosecution and defense have a significant emotional and FINANCIAL and time investment. The Court was not to bring money in the minds of the jury. The jury knew I was not gulty. They wanted to get back to their jobs and their lives.

(6) My attorney Mr. Campana

My attorney received in his office on 10/16/1997 denying my petition for Allowance of Appeal in the Supreme Court. If this is true it sat in his office for two years before he sent it to me in Waymart Pa.

Then in 8/2/2015 I asked the Supreme Court if docket number Supreme Court of P.A. No. 0205 M.D. Allocatur Docket1997 from Peter Campana was filed look at my answer... Dear Elizabeth I just pulled up records

Mr. Campana was supposed to have filed could NOT FIND FILE in records in computer... My attorney was ineffective. He was to ask for a mistrial because the Court lost Subject Matter Jurisdiction.

(7) Expungment Hearing

I ask the Court for Expungment hearing two times after I was 70 years old my attorney told me I could get it but I was turned down. This is continuing consequences so this is the last thing I hope I needed to file my Writ of Error Coram Nobis I am being denied my 2nd Constitutional Right to bear arms.

RELIEF SOUGHT

I respectfully requests that the Court grant me this petition and issue an order.

(1) Vacating and setting aside my 1994 conviction.

(2) Granting such other and further relief as the Court may deem just, equitable and proper.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the Court has a rare opportunity to correct a miscarriage of justice, in as much I stand convicted of an act I did not do. I respectfully ask the Court to vacate and set aside my conviction. Of indecent assault, corruption of a minor and endangering the welfare of children. And expunge and seal

all records of the foregoing arrest, indictment and conviction.

Date March 10, 2017

Leslie E Thomas

Leslie E Thomas

2375 Crossroad Dr.

Lewisburg Pa. 17837

570 568 5274